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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,814	04/30/2001	Laurent Bensemana	6670/1J190US1	2311
7590	06/30/2006		EXAMINER	
S Peter Ludwig 805 Third Avenue New York, NY 10022			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,814

Applicant(s)

BENSEMANA, LAURENT

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Detailed Action**

#### ***Response to Amendment***

Claims 1-9 are pending. This action is in response to the amendment received April 10, 2006.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dockter et al. (US 5,854,923) in view of McDonald et al. (US 2004/0019558).

Re claim **1**, Dockter teaches a central and private consumer repository containing a plurality of true consumption profiles corresponding to a plurality of consumers, each of said true consumption profiles being anonymous (col. 2, line 50 to col. 3, line 15);

a central product repository, containing consumption object profiles for a plurality of consumption objects said central product repository being industry relative (col. 3, lines 26-38; col. 2, lines 51-53; Dockter teaches both local and distributed databases. The local

Art Unit: 3624

databases are the central product repository being industry relative because it's locally in a company);

correlating means for correlating parameters of a potential target consumption object with parameters of a given consumer's true consumption profile, and identifying at least one best matched consumption object (col. 3, lines 7-24); and

consumer with the profile of said at least one best-matched consumption object (col. 5, lines 4-16; col. 6, lines 22-28). *In other words, Dockter matching consumer objects (i.e. search object such as rock climbing) to any user (i.e. anonymous user). His system consists of automatic construction techniques to monitor the user's behavior to determine the user's preferences. These preferences are ranked according to available information objects.*

However, Dockter does not explicitly teach anonymously matching consumption objects with a consumer consumption behavior, said consumer being uniquely identified by a true behavior derived consumption profile and means for confidentiality. On the other hand, Abelow discloses anonymously matching consumption objects with a consumer consumption behavior, said consumer being uniquely identified by a true behavior derived consumption profile and means for confidentiality (col. 44, lines 17-48; col. 59, lines 32-44; col. 1, lines 41-55; figs. 22 and 27). Abelow discloses behavioral information during the actual use of products, services and information systems. He keeps all data anonymous. In that, his system effectively protects personal privacy and confidentiality. Thus, it would have been obvious to one of ordinary skill in the art to include means for anonymous and confidentiality in matching consumption behavior in a customer-based product/services life cycle as discloses in Abelow.

Re claim 2, Dockter teaches correlating means are triggered automatically (col. 5, lines 17-22). *Dockter discloses automatic construction techniques in this system.*

Re claim 3, Dockter teaches correlating means are triggered by the user (col. 3, lines 1-25). *The user triggered the information by searching for a specific word.*

Re claims 4 and 8, Dockter teaches a consumer reaction log for logging a consumer's reaction to a correlation between said consumer's true consumption profile and a consumption object (figs. 1-3). *In figures 1-3, Dockter discloses user's preference that corresponds to the claimed limitation of a consumer's reaction log.*

Re claims 5 and 9, Dockter teaches consumer's true consumption profiles in the central consumer repository are made available to industry entities for performing market research (col. 7, lines 1-31). *Dockter discloses market research when he lists relevant and not so relevant information. For example, one type of market research is when he discloses computer science material is more interesting than the automotive material.*

Re claim 6, Dockter teaches a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. Furthermore, Dockter teaches presenting the consumer with a list of best to worst matches (col. 4, lines 9-11; col. 5, lines 4-7). *Dockter discloses most relevant (i.e. best matches) to least relevant (i.e. worst matches).*

Re claim 7, Dockter teaches a weighted correlation (col. 3, lines 60-67; fig. 2). *Dockter discloses an order ranked list that correlate to a weighted correlation.*

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished

Art Unit: 3624

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
6/20/2006

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Vincent Millin", written in a cursive style.